

## **REMARKS**

### **EXAMINER'S REPORT**

The Examiner has rejected claims 1-25 and 33-38, previously provided on June 20, 2003, based on a defective re-issue declaration. The Examiner has also objected to the new claims, as they were not underlined. However, the Examiner has indicated that claims 1-25 and 33 were allowable over the prior art. Either the original patent must be surrendered, or a statement made as to its loss or inaccessibility.

### **RESPONSE**

Further to a telephone conference between Blake O'Neill, Esq., an associate of the undersigned attorney's firm, and Examiner Appiah on February 4, 2004, Applicant understands that the only substantive requirement for overcoming the outstanding rejections to the claims is the need to submit an appropriate re-issue declaration.

Applicant provides herewith a re-issue declaration, signed on behalf of the current assignee, Alcatel USA Sourcing, L.P., which encompasses all amendments presented on April 10, 2002, January 16, 2003 and June 20, 2003. Applicant notes that the Re-issue declaration also applies to claims 33-38.

Applicant submits a complete listing of the claims, namely claims 1-25 and 33-38, as provided with the response dated June 20, 2003. Claims 33-38 are provided in underlined form. Otherwise, no changes have been made to the listing of claims as submitted on June 20, 2003.

Applicant notes that claims 34-38 depend from allowable claim 33 and relate to subject matter previously presented in other allowed claims. As such, Applicant submits that claims 33-38 are allowable.

Applicant hereby surrenders to the U.S. Patent Office the enclosed original U.S. Patent 5,809,431, on the basis that claims 1-25 and 33-38 are allowable.

### CONCLUSION

The Examiner's rejections having been overcome, Applicant submits that the subject application is in condition for allowance. Should any issues remain unresolved, Examiner Appiah is invited to telephone the undersigned attorney.

Respectfully submitted,

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